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April 11, 2013

Via Facsimile Only (267) 299-5069

The Honorable Paul S. Diamond
U.S. District Court for the Eastern District of Pennsylvania
601 Market Street, Room 6613
Philadelphia, PA 19106

RE: Fulmer v. Porter
Civil Action No. 12-03821

Dear Judge Diamond:

Your records will reflect that I represent plaintiffs in the above matter, in which my clients have reached a settlement agreement with defendant Steven Porter. On April 9th defense counsel Kristine Meindl informed Your Honor of the settlement, resulting in Your Honor entering an Order dismissing this case with prejudice. Unfortunately, the dismissal with prejudice was premature because my clients still have underinsured motorist claims, and in order to preserve those claims they are required to seek their underinsured motorist carrier's consent to settle with defendant Porter. Your Honor's entry of an Order dismissing this case with prejudice could be construed by the underinsured motorist carrier as an action that has prejudiced its potential subrogation rights. I have been out of town for the past week, but my assistant Karen telephoned your office yesterday morning in my absence and spoke with your law clerk Brittany Wilson about this problem. Ms. Wilson suggested that since you retain jurisdiction for ninety days, I should send this letter to you to request your guidance and possible corrective action. It was my intention to notify the Court of the settlement in this case after securing a consent to settle from the underinsured motorist carrier, and I regret any inconvenience or confusion that has resulted before I had an opportunity to act at the appropriate time.

Thank you for your understanding and any consideration that you provide.

Very truly yours,


STEVEN E. WOLFE

SEW: klm

cc: Kristine Meindl, Esquire – via facsimile only (215) 735-1133

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